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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,391	09/20/2000	A. Maxwell Eliscu	46983/103	6064
26371	7590	10/18/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306				LIVERSEDGE, JENNIFER L
ART UNIT		PAPER NUMBER		
		3692		

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/667,391	ELISCU, A. MAXWELL
	Examiner	Art Unit
	Jennifer Liversedge	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5,7-12,14-52 and 54-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5,7-12,14-52 and 54-68 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/7/2006 has been entered.

#### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for continued examination Application 09/667,391 filed on August 7, 2006.

The amendment contains original claims: 2-3, 8, 11-12, 15-52, 54-55, 59-67.

The amendment contains previously presented claims: 5, 7, 9-10, 14, 58.

The amendment contains amended claims: 1, 56-57.

The amendment contains new claim: 68.

Claims 4, 6, 13, 53 have been canceled.

#### ***Claim Objections***

Claim 54 is objected to because of the following informalities: Claim 54 depends from claim 53 which has been canceled. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-12, 14-52 and 54-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson (U.S. 2001/0049646).

Wilkinson discloses a system and method comprising:

- Providing a screen display indicating an affiliation with a referring party (paragraphs [8, 21-22, 50, 57]);
- Receiving a referral from the referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction-management seeking party, a trade-seeking party, and a credit-guarantee seeking party (abstract; paragraph [0006]);
- Storing the information regarding the referral in a storage device (“first demander”, abstract; [0008-0011]).
- Wherein the referral is received from a credit processing center of a financial institution ([0017] and [0040]);

- Determining whether the referral satisfies system-based parameters (fig. 1);
- If the referral party does not satisfy system based parameters, further comprising forwarding information regarding the referral to a third party (fig. 1, steps 120-130);
- Means for receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party (fig. 1, steps 40-170);
- Evaluating the referral to determine regarding the referral in a storage device (claim 21);
- Evaluating the referral to determine whether the referral meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine whether the services and products of the system meets the needs of the referral (fig. 1, steps 40-170);
- If the referral does not meet system-determined underwriting criteria, seeking an alternative provider for the referral (it is inherent in financial services to underwrite alternative criteria in various situations).

- If the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system ([0006], [0017] and [0019]).

### ***Response to Arguments***

Applicant's arguments filed 8/7/2006 have been fully considered but they are not persuasive. Applicant argues that Wilkinson fails to disclose providing a screen display indicating an affiliation with a referring party. However, Examiner particularly points to paragraphs 8, 21-22, 50 and 57 in which Wilkinson discloses providing a screen display indicating an affiliation with a referring party.

First, Wilkinson discloses in the background where if a lender rejects an applicant for a loan, that the lender may then refer the demander to another source (paragraph 4). This clearly establishes an affiliation between the originally sought after loan source and the now recommended referred loan source.

In addition, in the context of the computerized system of referrals, in paragraphs 8, 21-22, 50 and 57, Wilkinson discloses "...an identification of an initial referring party who first referred each member to the service provider." (paragraph 8); "The data record corresponding to each demander may further comprise a list of suppliers who have previously rejected that demander, ..." (paragraph 21) and "The members may have direct access to the database, such as through a computer network" (paragraph 22); "Initially, the service provides the supplier with someone to which to refer the demander, rather than leaving the demander with no place to go" (paragraph 50) and "The program

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also records in the database any financial transaction between or among at least two members...and may further provide an output identifying a portion of the amount of compensation to be sent to at least one initial referring party...and preferably may also be displayed on the screen of the searcher." (paragraph 57).

Wilkenson discloses a system wherein the entity referring the individual is logged in a database, wherein a demander has access to the system for searching the databases, and wherein when a transaction is conducted amongst members, the transaction summary data includes not only the transaction (as conducted between the demander and supplier) but also the party involved in receiving compensation for being a part of the referral. Hence, an affiliation between parties is disclosed in that the referring party, the demanding party, and the supplying party are all displayed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,029,141 to Bezos et al. in which an Internet-based customer referral system is disclosed including providing a screen display indicating an affiliation with a referring party.

U.S. Pub. Number 2001/0037274 A1 to Monticciolo in which a method of funding a loan is disclosed in which, if a lender decides not to offer a loan, the lender sends a rejection response and refers the borrower to another lender (in which case clearly the

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originally sought lender and the referred lender would be included in the same electronic or hardcopy document or screen thereby establishing an affiliation).

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER